UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

DANIEL DENSLINGER,)	
)	
Plaintiff,)	
)	
v.)	No. 3:09-0153
)	JUDGE HAYNES
TOM WALL, ET AL.,)	
)	
Defendants.)	

ORDER

Before the Court is a *pro se* prisoner complaint filed under 42 U.S.C. § 1983. Plaintiff is a prisoner in the West Tennessee State Penitentiary in Henning, Tennessee.

Plaintiff's application to proceed *in forma pauperis* was granted on February 13, 2009 "subject to an extended payment plan." (Docket Entry No. 8) Accordingly, Plaintiff is herewith assessed the civil filing fee of three hundred fifty dollars (\$350.00).

Pursuant to 28 U.S.C. §§ 1915(b)(1)(A) and (B), the custodian of Plaintiff's inmate trust fund account at the institution where he now resides is directed to submit to the Clerk of Court, as an initial payment, whichever is the greater of:

- (a) twenty percent (20%) of the average monthly deposits to Plaintiff's inmate trust fund account; or
- (b) twenty percent (20%) of the average monthly balance in Plaintiff's inmate trust fund account for the prior six (6) months.

Thereafter, the custodian shall submit twenty percent (20%) of Plaintiff's preceding monthly income, or income credited to Plaintiff's inmate trust fund account for the preceding month, but only when such monthly income exceeds ten dollars (\$10.00). Such payments shall continue until the \$350.00 filing fee has been paid in full to the Clerk of Court as prescribed by 28 U.S.C. § 1914(a). 28 U.S.C.

§ 1915(b)(2).

is **DISMISSED** for failure to state a claim on which relief may be granted. 28 U.S.C. §§ 1915(e)(2)(B)(ii); 1915A(b)(1). Because an appeal from the judgment rendered herein would **NOT** be taken in good faith, Plaintiff is **NOT** certified to pursue an appeal from this judgment *in forma*

As provided in the memorandum entered contemporaneously herewith, Plaintiff's complaint

pauperis. 28 U.S.C. § 1915(a)(3); Coppedge v. United States, 369 U.S. 438, 444-46 (1962).

Nevertheless, should Plaintiff decide to file a notice of appeal, he either must pay the Clerk of Court

the full appellate filing fee of four hundred fifty-five dollars (\$455.00), or submit a new application

to proceed in forma pauperis with a certified copy of his inmate trust account statement for the six

(6) month period preceding the filing of his notice of appeal. 28 U.S.C. §§ 1915(a)(1) and (a)(2);

McGore v. Wrigglesworth, 114 F.3d 601, 605 (6th Cir. 1997).

The Clerk is **DIRECTED** to forward a copy of this order to the Warden at the West Tennessee State Penitentiary to ensure that the custodian of Plaintiff's inmate trust fund account complies with the part of the Prison Litigation Reform Act that pertains to the payment of filing fees.

Entry of this order shall constitute the judgment in this action.

It is so **ORDERED**.

William J. Haynes, J.

United States District Judge